IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

Writ Petition No.4933 of 2007

Rajeram son of Kondba Karwatkar,
aged about 74 years,
occupation – nil,
resident of Vithoba Ward,
Hinganghat, Tq. Hinganghat,
Distt. Wardha. .... Petitioner.
Org. Deft.No.1 on R.A.

Versus

1. **Ashok son of Shrawan Bhajbhuje,**
   aged about 43 years,
   occ : Agriculturist,

2. **Arun son of Shrawan Bhajbhuje,**
   aged about 37 years,
   occupation – service,

3. **Pramod son of Shrawan Bhajbhuje,**
   aged about 33 years,
   occupation – not known

4. **Ramchandra son of Shrawan**
   Bhajbhuje,
   aged about 29 years,
   occupation – not known,

5. **Smt. Vimla wife of Shrawan**
   Bhajbhuje,
   aged about 61 years,
   occupation – cultivator,

all residents of Nannashah Ward,
Opp : Adv. Bhute,
Hinganghat,
Tq. Hinganghat,
Distt. Wardha. ..... Respondents.
Org. Plffs. On R.A.

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Mr. Shyam Mohta, Advocate holding for Mr. R. L. Khapre, Adv., for petitioner.

Mr. A.S. Chandurkar, Advocate for Respondent Nos. 2 to 5.

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CORAM : A.H.JOSHI, J.

Date : 07th March,2008.

ORAL JUDGMENT :

1. This Court had issued notice of final disposal, in response to which respondent nos. 2 to 5 have put in their appearance. Service on respondent no.1 is dispensed with, in view that any orders adverse to him are not being passed. On the other hand, the procedure being directed would protect the interest of respondent no.1.

2. Hence Rule. Rule is made returnable forthwith and heard finally by consent.

3. Learned Advocate Mr. A.S. Chandurkar agrees that the proper course, which should be followed, is under Section 51 of the Mental Health Act, 1987. On

this sole ground, the impugned order is liable to be set aside, and is set aside. Application [Exh.140] be heard and decided by learned Trial Court afresh.

4. Rule is accordingly made absolute. Parties are directed to bear their own costs.

JUDGE

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